

Message Text

CONFIDENTIAL

PAGE 01 GABORO 01161 01 OF 02 211759Z
ACTION SS-25

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O R 211500Z MAY 77
FM AMEMBASSY GABORONE
TO SECSTATE WASHDC IMMEDIATE 9962
INFO AMEMBASSY DARESSLAAAM
AMEMBASSY LAGOS
AMEMBASSY LONDON
AMEMBASSY LUSAKA
AMEMBASSY MAPUTO
AMCONSUL CAPETOWN
AMEMBASSY PRETORIA

C O N F I D E N T I A L SECTION 1 OF 2 GABORONE 1161

EXDIS

CAPE TOWN FOR EMBASSY

E.O. 11652: GDS
TAGS: PFOR, RH
SUBJECT: CONSULTATIVE GROUP MEETINGS WITH MUZOREWA

1. SUMMARY: IN MORE THAN FOUR HOURS OF MEETINGS OVER TWO DAYS, MUZOREWA AND HIS GROUP OUTLINED THEIR IDEAS FOR A NEW CONSTITUTION AND CARETAKER GOVERNMENT. WHILE NOT IMPRESSIVE, THEY WERE REASONABLE AND COOPERATIVE, AND SHOWED THEMSELVES WILLING TO CONSIDER FAIRLY PROBLEMS WHICH WOULD BE ARISING. THEY WERE PLEASED WITH THE MEETINGS AND ENCOURAGED WITH THE PROSPECTS OF REACHING SETTLEMENT THROUGH THE ROUTE ON WHICH WE ARE NOW ENGAGED. THEIR SPECIFIC SUGGESTIONS FOR THE CONSTITUTION AND CARETAKER GOVERNMENT WERE SENSIBLE AND APPEARED TO RAISE NO INSURMOUNTABLE OBSTACLES. END SUMMARY.

2. GRAHAM AND I, WITH JOHN FLYNN AS RECORDER AND BRITISH HIGH
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 GABORO 01161 01 OF 02 211759Z

COMMISSIONER TURNER MET WITH MUZOREWA AND SIX MEMBERS OF THE UNAC FOR AN HOUR ON FRIDAY EVENING AND ALMOST THREE HOURS SATURDAY MORNING, MAY 20-21. PRESENT ON MUZOREWA'S SIDE WERE VICE PRESIDENT GABELLAH, SECRETARY GENERAL CHIGWIDA, EXTERNAL WING HEAD CHIKEREMA, SECRETARY OF EXTERNAL AFFAIRS, CHIKOSI, DIRECTOR AND TREASURER OF EXTERNAL WING NYANDORO, AND LEGAL ADVISOR AND HEAD OF DIPLOMATIC MISSION MTAMBANENGWE.

3. GRAHAM EXPLAINED OUR MISSION IN CONSIDERABLE DETAIL, AS HE HAD IN PREVIOUS MEETINGS; AND I DESCRIBED U.S. SUPPORT FOR IT AND THE ROLE WE EXPECTED TO PLAY. WE OUTLINED THE PLANS FOR CONSULTATIONS, POSSIBILITY OF A CONFERENCE LATER, AND OF THE CONSTITUTION. THERE WERE A FEW QUESTIONS ASKED, AND GRAHAM WENT ON TO DESCRIBE THE SUBJECTS ON WHICH HE WOULD LIKE THE BISHOP AND HIS GROUP TO REFLECT DURING THE EVENING AND ANSWER IN THE GREATEST DETAIL POSSIBLE THE FOLLOWING DAY. HE ASKED THEM TO CONSIDER COMMONWEALTH MEMBERSHIP, FORM OF GOVERNMENT, TYPE OF PRESIDENCY, EXTENSION OF FRANCHISE, AGE OF VOTERS, DECLARATION OF RIGHTS, TYPE OF LEGISLATURE AND VOTING SYSTEM. HE ALSO ALLUDED BRIEFLY TO PROBLEMS OF SETTLEMENT INVOLVED IN A CARETAKER GOVERNMENT. WHICH WE SHOULD BE THINKING ABOUT BUT DISCUSSED LATER.

4. THE GROUP ASKED TO WHAT DEGREE SMITH HAD ACCEPTED THE CONCEPT OF INDEPENDENCE IN '78, AND GRAHAM REPLIED THAT SMITH HAD TOLD OWEN HE AGREED TO IT AS AN OBJECTIVE RATHER THAN A COMMITMENT. GABELLAH AND OTHERS WERE INTERESTED IN WHO WE WERE PLANNING TO CONSULT IN SALISBURY. SPECIFICALLY, HE WAS INTERESTED IN WHETHER WE WOULD BE TALKING TO ZUPO. GRAHAM AND I HAD DISCUSSED THIS AND HE REPLIED THAT OUR PRIMARY INTERLOCUTOR WAS SMITH AND THE RHODESIAN FRONT GOVERNMENT, BUT HE SAID THAT WHILE WE WOULD NOT SEEK OTHERS OUT, WE WOULD NOT REFUSE TO TALK TO ANYONE WHO WANTED TO CONSULT WITH US. THE GROUP WAS ALSO INTERESTED IN OUR LIAISON PLANS WITH THE FRONT LINE AND THEY WERE OBVIOUSLY RELIEVED WITH GRAHAM'S REPLY THAT THE CONSULTATIONS WERE PRIMARILY WITH THE REPRESENTATIVES OF THE PEOPLE OF ZIMBABWE

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 GABORO 01161 01 OF 02 211759Z

THOUGH WE WOULD KEEP THE FRONT LINE AND OTHER INTERESTED AFRICAN COUNTRIES INFORMED OF OUR PROGRESS. GABELLAH RAISED THE PROBLEM OF WHETHER SMITH WOULD SUBMIT AN AGREED CONSTITUTION TO THE RHODESIAN LEGISLATURE NOTING THIS WOULD PERMIT HIM TO AGREE PERSONALLY AND THEN HAVE THE CONSTITUTION REJECTED BY THE LEGISLATURE GRAHAM REPLIED THAT ITS SUBMISSION TO THE RHODESIAN LEGISLATURE WOULD HAVE NO LEGAL VALIDITY OR EFFECT IN BRITISH LAW AND HE NOTED THAT SMITH COULD REFUSE TO COOPERATE AT ANY POINT.

5. AT THE SECOND MEETING ON SATURDAY, MUZOREWA DISTRIBUTED A PAPER RESPONDING TO THE QUESTIONS GRAHAM HAD RAISED. MOST OF THE DISCUSSION FOLLOWED THE OUTLINE OF THIS PAPER. THE FIRST SECTION DEALT WITH THE THREE BASIC CONSTITUTIONAL PRINCIPLES. THE UANC ACCEPTED A DEMOCRATICALLY ELECTED GOVERNMENT BUT WONDERED WHETHER THE OTHER PARTIES, I.E. PATRIOTIC FRONT AND SMITH, WOULD DO SO. WE REPLIED THAT THERE WAS AT LEAST AGREEMENT IN PRINCIPLE. THE PAPER STATED THAT THE UANC WOULD INSIST ON UNIVERSAL ADULT SUFFRAGE AND THAT THIS WAS NON-NEGOTIABLE. IT FAVORED THE AGE OF 18 BUT WAS WILLING TO DISCUSS THIS. THE IDEA OF JUSTICIABLE BILL OF RIGHTS WHICH

WAS ENTRENCHED IN THE CONSTITUTION WAS ACCEPTABLE IN PRINCIPAL BUT THE UANC WANTED TO SEE THE DETAILS AS WORKED OUT BY THE EXPERTS.

6. FOLLOWING WERE THE UANC'S RESPONSES ON THE SPECIFICS OF THE CONSTITUTION:

- (A) MEMBERSHIP IN THE COMMONWEALTH IS NORMALLY A DECISION OF THE INDEPENDENT GOVERNMENT, BUT THEY SAW NO REASON NOT TO BE A MEMBER.
 - (B) THEY SUPPORTED A REPUBLICAN CONSTITUTION WITH AN EXECUTIVE PRESIDENCY, PROBABLY FOR A FIXED FIVE-YEAR TERM WITH NO LIMITATION ON THE NUMBER OF TERMS.
 - (C) PRESIDENT SHOULD BE ELECTED DIRECTLY.
 - (D) THE LEGISLATURE SHOULD BE UNICAMERAL WITH SINGLE MEMBER CONSTITUENCIES AND NO RESERVE SEATS FOR RACIAL GROUPS. IT SHOULD HAVE ABOUT 100 MEMBERS.
 - (E) THERE WAS SUPPORT FOR INDEPENDENT JUDICIARY WHICH
- CONFIDENTIAL

CONFIDENTIAL

PAGE 04 GABORO 01161 01 OF 02 211759Z

WOULD ALSO BE ENTRENCHED IN THE CONSTITUTION.

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 GABORO 01161 02 OF 02 212010Z
ACTION SS-25

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O R 211500Z MAY 77
FM AMEMBASSY GABORONE
TO SECSTATE WASHDC IMMEDIATE 9963
INFO AMEMBASSY DAESSALAAM
AMEMBASSY LAGOS
AMEMBASSY LONDON
AMEMBASSY LUSAKA
AMEMBASSY MUPUTO
AMEMBASSY CAPETOWN
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C O N F I D E N T I A L SECTION 2 OF 2 GABORONE 1161

EXDIS

7. ON THE CARETAKER GOVERNMENT, THE FOLLOWING VIEWS WERE EXPRESSED:

(A) IT SHOULD NOT LAST MORE THAN THREE MONTHS. GRAHAM PRESSED HARD ON THIS POINT NOTING THE DIFFICULTY OF REGISTERING VOTERS, DRAWING UP CONSTITUENCY BOUNDARIES AND HAVING ENOUGH TIME FOR A CAMPAIGN WITHIN THIS PERIOD.

(B) THE GROUP SAID THAT THEY HOPED INDEPENDENCE COULD BE ACHIEVED BY SEPTEMBER 12 (LATER GETS INTO THE RAINY SEASON- (SIC). WHEN ASKED ABOUT THE THREE POSSIBLE TYPES OF ADMINISTRATION - BRITISH COLONIAL, NEUTRAL RHODESIAN, OR COMMONWEALTH - THEY WERE EMPHATIC AND UNANIMOUS IN PREFERRING A RETURN TO LEGALITY BY MEASURING A BRITISH COLONIAL REGIME EXPLAINING THAT THE BRITISH MIGHT ASK FOR HELP FROM OTHERS BUT THE RESPONSIBILITY MUST REST CLEARLY ON THEIR SHOULDERS AND MUST BE SEEN TO DO SO. IN PARTICULAR, THEY WANTED NO FRONT LINE INVOLVEMENT.

(C) THE GROUP REPEATED ITS PREVIOUS POSITION ON THE FORMATION OF A NATIONAL ARMY WHICH IT SAID SHOULD BE BASED UPON THE NATIONALIST GUERRILLA FORCES WITH THE DETAILS TO BE SPELLED CONFIDENTIAL

CONFIDENTIAL

PAGE 02 GABORO 01161 02 OF 02 212010Z

OUT LATER. A GENERAL DISCUSSION OF THIS SUBJECT REVEALED THEY ACCEPTED MUCH OF GRAHAM'S THINKING THAT A CARETAKER GOVERNMENT WOULD PROBABLY TAKE OVER INTACT SUCH ORGANIZATIONS AS THE UNIFORM POLICE FORCE AT LOWER LEVELS, BUT DISBAND GROUPS BASED THE SELOUS SCOUTS. MUZOREWA MADE ONE OF HIS FEW EMPHATIC INTERVENTIONS TO UNDERLINE THE UNACCEPTABILITY NOT ONLY OF THE SELOUS SCOUTS BUT THE SPECIAL BRANCH, WHETHER ITS MEMBERS WERE BLACK OR WHITE, IN ANY CARETAKER OR INDEPENDENT GOVERNMENT.

8. GRAHAM RAISED THE NEED TO CONSIDER THAT THERE WOULD HAVE TO BE AN ACT OF INDEMNITY (FORGIVENESS) FOR ACTS COMMITTED UNDER THE PRESENT GOVERNMENT AS WELL AS AN AMNESTY FOR ACTS COMMITTED BY THE FREEDOM FIGHTERS. HE EXPLAINED THAT THIS WOULD NOT EXTEND TO RECOGNIZED CRIMES, WHETHER COMMITTED IN UNIFORM OR NOT. THERE WOULD HAVE TO BE SOME KIND OF A WIPING OF THE SLATE CLEAN BY ACT OF THE BRITISH PARLIAMENT, HE SAID; AND ASKED THE GROUP TO BE THINKING ABOUT THIS FOR DISCUSSION AT SOME SUBSEQUENT MEETINGS. THE THOUGHT WAS OBVIOUSLY A NEW ONE TO THE GROUP AND THEIR INITIAL REACTION WAS THAT THOSE WHO HAD COMMITTED CRIMES WOULD PROBABLY LEAVE THE COUNTRY ANYWAY. THEY SAW PROBLEMS IN IT BUT WERE WILLING TO CONSIDER THE CONCEPT.

9. GRAHAM MENTIONED THE NEED FOR VALIDATION OF THE EXISTING BODY OF LAW. THE CARETAKER GOVERNMENT WOULD NOT HAVE AN OPPORTUNITY TO REVIEW IT AND REJECT ANYTHING BUT THE MOST EGREGIOUSLY OFFENSIVE LAWS.

IT WOULD HAVE TO BE LEFT FOR AN INDEPENDENT GOVERNMENT TO EXAMINE THE LEGISLATION IN DETAIL AND AMEND OR WRITE NEW LEGISLATION. THE GROUP THOUGHT

THAT THE STATE OF EMERGENCY LEGISLATION AND THE LAW AND ORDER MAINTENANCE ACT WOULD HAVE TO GO BUT GRAHAM POINTED OUT THE NEED FOR ADEQUATE AUTHORITY FOR THE CARETAKER GOVERNMENT TO MAINTAIN ORDER. AGAIN, NO FIRM OPINIONS WERE EXPRESSED.

10. FINALLY, GRAHAM RAISED THE MATTER OF THE ZIMBABWE DEVELOPMENT FUND AND THE NEED FOR THE INDEPENDENT GOVERNMENT OF ZIMBABWE TO
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 GABORO 01161 02 OF 02 212010Z

ACCEPT RESPONSIBILITY FOR PENSIONS OF CIVIL SERVANTS AND PARASTATAL (RAILWAY) EMPLOYEES. WE BOTH MADE CLEAR THAT THE ZDF WAS NOT INTENDED TO BE A FUND FOR BUYING OUT WHITES BUT RATHER FOR THE DEVELOPMENT OF AN INDEPENDENT ZIMBABWE. THERE WAS CONSIDERABLE DISCUSSION AT THE END OF WHICH THE GROUP EXPRESSED ITS SATISFACTION OVER THE CONCEPT OF THE ZDF BUT INDICATED THAT IT WOULD HAVE SOME DIFFICULTY IN ACCEPTING RESPONSIBILITY FOR PAYING PENSIONS OF SENIOR OFFICIALS OF THE PRESENT RHODESIAN GOVERNMENT. IT ACCEPTED THE RESPONSIBILITY OF PENSIONS FOR LOWER LEVEL OFFICIALS WHO MAY BE REPLACED THROUGH AN AFRICANIZATION PROCESS.

11. THE BISHOP CAME UP TO US AFTER THE MEETING TO EXPRESS HIS SATISFACTION WITH IT. HE SAID HE THOUGHT IT HAD BEEN MOST CONSTRUCTIVE AND WAS PLEASED WITH THE PROGRESS WE HAD MADE. HE SAW NO MAJOR PROBLEMS IN PROCEEDING IN THE FASHION WE HAD OUTLINED. LATER HE TALKED PRIVATELY WITH BOTH ME AND GRAHAM AT A LUNCH GIVEN BY THE BRITISH HIGH COMMISSIONER. HE WENT OVER AGAIN THE REASONS HE HAD REFUSED TO SEE SECRETARY KISSINGER BUT EXPLAINED THAT HE WAS NOT COMPLETELY SATISFIED WITH THE POSITIVE ROLE WHICH THE US WAS PLAYING IN TRYING TO FIND A SOLUTION TO THE PROBLEMS OF THE AREA. HE WARNED, OF COURSE, OF THE INSTRUMENTS OF THE SOVIET IN THE AREA, I.E., NKOMO AND THE PATRIOTIC FRONT, AND EMPHASIZED THE NEED TO MOVE QUICKLY WHILE THERE WAS STILL TIME FOR A NEGOTIATED SOLUTION. MUZOREWA PLANS TO TRAVEL FROM HERE TO SALIBURY WHERE HE WILL SPEND NEXT WEEK, MEETING WITH HIS EXECUTIVE COMMITTEE ON SUNDAY THE 29TH. HE WILL THEN TRAVEL TO THE UNITED STATES WHERE HE WILL SPEND THE FIRST TEN DAYS OF JUNE ACCEPTING HONORARY DEGREES AND SPEAKING AT FOUR OR FIVE METHODIST COLLEGES. WE ARRANGED TO MEET WITH HIS LEGAL ADVISERS IN LUSAKA ON MAY 31ST TOGETHER WITH THE BRITISH LEGAL EXPERT WHO WILL HAVE JOINED US BY THEN.

12. COMMENT: THERE WAS GOOD GIVE AND TAKE IN BOTH MEETINGS. IT WAS OBVIOUSLY AN EDUCATIONAL EXPERIENCE FOR BOTH SIDES. THE GROUP WAS INTERESTED AND WILL TO LISTEN TO CONSIDER ANY REASONABLE EXPLANATION OR PROPOSAL WHICH GRAHAM MADE. IT MUST
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 GABORO 01161 02 OF 02 212010Z

BE ADMITTED THOUGH THAT WHILE COOPERATIVE AND REASONABLE, THE GROUP'S UNDERSTANDING OF THE ISSUES INVOLVED DIDN'T APPEAR GREAT FOR ITS GENERAL LEVEL OF COMPETENCE HIGH. IN CONVERSATIONS AFTERWARD; THEY SEEMED TO FEEL THAT WE WERE ON THE RIGHT TRACK BUT EMPHASIZED THE NEED FOR SPEED. IT IS CLEAR THAT IN MUZOREWA'S VIEW THE SOONER AN ELECTION TAKES PLACE THE STRONGER HIS POSITION IS. HE IS SKEPTICAL THAT NKOMO AND EVEN LESS MUGABE WILL IN THE FINAL ANALYSIS SUBMIT TO AN ELECTION, BUT HE ALSO SAYS THAT IT WILL BE DIFFICULT FOR THEM TO REFUSE. MUZOREWA EXPLAINS DESIRE TO BASE THE ARMY OF AN INDEPENDENT ZIMBABWE ON THE LIBERATION FORCES BY CONTENDING THAT MANY FREEDOM FIGHTERS SECRETLY SUPPORT HIM.

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